

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Electronic Filing of Documents)
in Rulemaking Proceedings)

GC Docket No. 97-113 Federal Communications Commission
Office of Secretary

Comments

BellSouth Corporation and BellSouth Telecommunications, Inc. ("BellSouth") hereby file their Comments in the above referenced proceeding.¹

As the Commission explained, this rulemaking is a part of a much larger Commission commitment to improve the agencies' processes and to take advantage of new information technologies in order to better serve the public.² The Commission, however, has limited this docket to addressing the necessary changes to the rules to make possible formal electronic filings in rulemaking proceedings.

The Commission tentatively concludes that its rules should be modified so that, to the extent possible, electronically filed comments receive the same treatment and consideration as comments filed on paper. In addition to comments on the specific rule changes proposed and

¹ *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, released April 7, 1997 ("Notice"). On April 30, 1997, the Commission held an Open Forum to discuss issues related to this pending Notice and to demonstrate Quickstart, the Commission's prototype electronic filing system. BellSouth's comments include recommendations on the Quickstart system.

² The Commission has already established procedures to file bids electronically in auctions for PCS licenses. The Tariff Division of the Common Carrier Bureau is undergoing a process to establish explicit procedures and methods by which parties must file tariffs and related documents electronically. See, BellSouth's Comments in CC Docket No. 96-187, filed October 9, 1996. The Amateur Radio Bureau is also pursuing electronic filing efforts.

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on any other rule changes necessary to facilitate electronic filing of comments in rulemaking proceedings, the Commission also seeks comment on “whether [it] should apply these electronic filing procedures to comments or pleadings filed in connection with steps that are preliminary to notice and comment rulemaking, for instance, petitions for rulemaking, NOI proceedings and petitions for reconsideration.”³

BellSouth supports the Commission’s proposed rule changes and its tentative conclusions.⁴ The Commission’s goals will be fostered only if the Commission adopts measures which would encourage parties to participate in proceedings. Thus, in order to ensure industry wide participation, electronic filings must be afforded the same status as paper comments in rulemaking proceedings.

While BellSouth is supportive of the Commission’s effort to introduce electronic filings in rulemaking proceedings, BellSouth also recommends that procedures established in this proceeding should be considered for use in other types of proceedings. BellSouth urges the Commission to coordinate the efforts of the various Bureaus and Divisions within the Commission so as to develop, to the extent possible, a set of uniform mechanisms and rules to govern the electronic filing of documents in all types of proceedings.⁵

³ Notice, ¶ 9.

⁴ The Commission proposes minor amendments to §§ 0.401, 1.46, 1.47 and 1.419 of its rules. The Commission also proposes to amend § 1.49(a) of its rules to clarify that the requirements of this subsection apply to all pleadings and documents filed “in paper form”. The Commission proposes to further amend § 1.49 by adding subpart (f) which would require that the length of any comment or reply comment filed in electronic form in a rulemaking proceeding shall be equal to the length of the document if printed out and formatted according to the specifications of section (a).

⁵ For example, in this proceeding, the Commission has developed a prototype Quickstart system that uses a World Wide Web page interface. At the same time, the Tariff Division has

The Commission proposes that the primary mechanism for electronic filing of formal comments in rulemaking proceedings should be a World Wide Web page which would provide interface forms through which parties may upload their comments directly into a database or input brief comments directly. The Commission's prototype system, Quickstart, utilizes a World Wide Web page interface.

BellSouth supports use of the World Wide Web page interface forms. While the prototype Quickstart system is a good starting point, BellSouth believes that there are some improvements that could be made. In Attachment A, BellSouth sets forth its recommendations on the current Quickstart interfaces.

If filings are made electronically, the Commission must establish a set of rules that would determine when an electronic filing is considered to be received. The Commission tentatively concludes that the filing date and time for comments submitted electronically shall be the date the document is received by the Commission, or the date and time in which transmission of the document is completed. The Commission expects that, for the most part, the document transmission time will usually be quite short. The Commission states its intent to provide a confirmation mechanism so that parties who file electronically will receive automatic official acknowledgment that their filings have been received.

BellSouth supports the Commission's tentative conclusion concerning the date and time for filing comments. However, BellSouth recommends that the Commission further clarify its rules in the following matter. First, § 1.4(f) of the Commission's rules should be modified to require that transmission of the electronic filing be completed by 11:59 p.m. on the date upon

developed an electronic filing system prototype which uses HTML forms. The public interest would be best served by a single interface.

which the filing is due.⁶ In addition, in the event that the Commission's systems fail to function, parties should be given until the next business day to make their filings electronically. The Commission's rules currently provide that if the filing date falls on a holiday, the document shall be filed on the next business day. Section 1.4(e)(1) of the rules further specifies that "the term holiday means any other day on which the Commission's offices are closed and not reopened prior to 5:30 p.m..." for example, "if offices are closed prior to 5:30 due to adverse weather, emergency or other closing". BellSouth recommends that the Commission amend its rules to state that if the Commission's system for electronic filing fails to function for a period of 4 hours or more, parties be will be given until the next business day to electronically file their documents.

The Commission also seeks comments on whether any special measures are necessary to authenticate or secure electronic comments such as encryption, digital signatures, or account numbers. Parties were also invited to comment on other procedural or administrative issues such as specifications as to page limits, citation formats, file formats, and service requirements.

As BellSouth has previously stated, any proposed system should not require commenters utilizing the system to radically change the manner in which they produce documents. In addition, the system must be secure and capable of protecting the integrity of the document filed. It must also be capable of protecting commercially sensitive and other confidential information.

In order to address these issues and concerns, BellSouth proposes that the Commission consider adopting the Adobe Acrobat Portable Document Format (PDF) for electronically filed

⁶ The electronic filing system should be made available to accept and search for documents twenty-four hours a day in order to limit the potential for congestion.

documents. The PDF format can accommodate a wide variety of platforms. Use of the PDF format can easily be incorporated into most document preparation work flow processes. More importantly, the PDF format permits controlled access to the material in a document. Separate parts of a document can be made available to certain individuals, but not to others.

Use of the PDF format will also eliminate the need for the Commission to adopt specifications as to page limitations and citation formats for electronic filings. Documents filed in PDF format will appear just as they do on the printed page. Thus the number of pages, citation formats, margins and font size will remain just as if the document were printed on paper.⁷

⁷ Other benefits to the PDF format are: PDF documents use sophisticated compression techniques which minimize storage requirements and transmission times; a PDF document can accommodate thousands of pages into a single document; electronic links can be built into PDF documents; RSA encryption and/or simple password security are built-in features of PDF documents; and the PDF format is an open, published format specification and is accessible to the public at a reasonable cost.

CONCLUSION

BellSouth believes that this rulemaking provides a foundation for an electronic filing system. However, BellSouth encourages the Commission to broaden its focus and coordinate the efforts of the various bureaus and divisions within the FCC in order to develop a system with ubiquitous application.

Respectfully submitted,

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APPENDIX A

Current Fields

Docket Number Field (1)

Commenting parties should be given the option of typing in the applicable docket number on the filing form. To ensure that correct docket numbers are entered, this field could be validated by a table containing all active dockets. A drop down box, as currently proposed, would have to include a listing of all active dockets. Thus, parties would have to scroll down a long list of numbers in order to find the correct dockets. This would be very time consuming and inefficient. The field underlying the form should also allow space for multiple docket numbers as the Commission frequently combines several dockets into one proceeding.

Rulemaking (2)

The rulemaking and docket number fields should not be mutually exclusive. The Commission frequently combines rulemaking and docketed proceedings into one proceeding.

Name and Address Fields (4a - 4d)

The name and address fields must be constructed to accommodate multiple parties. Comments are frequently submitted by groups of parties or individuals with common interests and opinions. Thus, these fields must be constructed to accommodate multiple filing party names.

Suggested Fields

(1) Case Caption

A nonoptional field must be created for the case caption. In the event an incorrect docket number or rulemaking number is entered, the case caption field will allow the Commission to

associate the comment filed with the appropriate proceeding. The docket/rulemaking number could also be verified by linking the docket/rulemaking field to the case caption field. In addition, a case caption field would also allow commenters to identify the phase or part of a specific proceeding. If the Commission creates a case caption field, the field should be full text searchable. This will enable those who are unsure of the docket numbers to search by topic or matter.

Other

- (1) The Commission's World Wide Web Page should contain a telephone number or help line that parties could call to receive information and assistance on filing documents or conducting searches. An application focused E-Mail address should also be provided on the page.
- (2) The Commission should also establish a feedback form which would enable users to informally submit feedback.
- (3) An alternative electronic filing system should be developed for parties to submit to the Commission nonpublic documents containing confidential or proprietary information.